

# UKIP PARLIAMENTARY RESOURCE UNIT

## Too Young To Marry



# **Too Young to Marry**

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This is one in a series of Occasional Papers published by the UKIP Parliamentary Resource Unit (UKIP PRU). It is written to support the work of the UKIP Parliamentary party and to contribute to policy debate and development. Views expressed are those of the author and do not necessarily reflect those of Douglas Carswell MP or the policy of UKIP.

## Overview

One third of girls in the developing world are married before the age of 18. One in nine are married before the age of 15. On current trends, 150 million girls will be married before their 18th birthday over the next decade: an average of 15 million girls each year.

This means a new child bride every two seconds.<sup>1</sup>

'Child marriage' refers to the formal marriage or informal union of a child younger than 18 years old, a child being defined as under-18 according to Article 1 of the United Nations Convention on the Rights of the Child.

While child marriage can happen to both sexes, it affects girls disproportionately. According to a recent map of minimum age marriage laws by the World Policy Analysis Center (sic), 93 countries (including the UK) legally allow girls to marry before the age of 18 with parental consent;<sup>2</sup> and 54 countries allow for girls to marry aged between one and three years younger than boys. Such laws can do huge damage as they can reinforce gender inequalities; legitimise child marriage; and make it much more difficult to ascertain whether or not a child has been forced or coerced into marriage.<sup>3</sup>

International bodies such as the United Nations have condemned child marriage as a clear human rights' violation. Yet, according to UN children's agency UNICEF, of all the girls worldwide aged between 20 and 24, one quarter have been child brides at some point.<sup>4</sup>

Rates of child marriage are highest in South Asia, where nearly half of all girls marry before the age of 18, and about one in six marry or cohabit before the age of 15. Girls in West and Central Africa, and Eastern and Southern Africa also fare badly: 42 per cent and 33 per cent respectively of women between the ages of 20 and 24 were married in childhood in these areas.

The damage child marriage does is incalculable. It interrupts a girl's schooling and limits her opportunities for career and vocational advancement. It puts her at higher risk of domestic violence. Child brides are far more likely to be physically and emotionally abused and live in poverty. They are also more likely to be socially isolated; suffer depression; and contract sexually transmitted diseases. A child bride who becomes pregnant is inevitably at high risk of experiencing dangerous and often fatal complications during childbirth. Pregnancy is consistently among the leading causes of death for girls aged 15 to 19 worldwide.

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<sup>1</sup> <http://www.icrw.org/child-marriage-facts-and-figures>

<sup>2</sup> Children aged 16-18 can marry in the UK with parental consent

<sup>3</sup> World Policy Analysis Centre, Changing Children's Chances: New Findings on Child Policy Worldwide, 2013

<sup>4</sup> <http://data.unicef.org/child-protection/child-marriage.html>

The current migrant crisis has brought the problem of child marriage to Europe. As adult migrants with very different cultural attitudes arrive here, legally married to under-age children, European authorities have to decide how to respond. The responses from different European countries have been mixed.

Current law here in the UK does not fully address the problem. Recent UK legislation to combat abuses in marriage as a result of cultural differences has been concerned with forced marriages, not child marriages conducted legally overseas.

The paper will recommend the government takes steps to clarify its position with regard to child marriages that have been conducted legally overseas, so that child protection agencies can ensure they act in accordance with the law and with best practice guidelines.

We also recommend steps the government can take to contribute to the eradication of child marriage worldwide, in accordance with the UN's position.

### **Parliamentary Report: A Childhood Lost**

In 2012, the All-Party Parliamentary Group (APPG) on Population, Development and Reproductive Health published *A Childhood Lost*.<sup>5</sup> This report shed light on the prevalence of child marriage in the UK and around the world. It revealed that:

- Ten million girls are married before they are adults every year - 25,000 every day
- One in nine girls in developing countries are married before their fifteenth birthday
- One third of girls in developing countries are married before their eighteenth birthday
- 50% of the 20 countries with the highest prevalence of child marriage receive bilateral aid from the UK
- The country with the highest prevalence of child marriage is Niger, with 75% marrying before they are eighteen

This report also highlighted estimates from the government's Forced Marriage Unit (FMU) that between 5,000 and 8,000 people are at risk of being *forced* into marriage every year in England, based on government research carried out during 2011. It also revealed that 29% of calls made to the FMU in 2012 involved minors. 14% were under the age of fifteen. The youngest case was a girl aged just five years old.

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<sup>5</sup> <http://www.appg-popdevrh.org.uk/UK%20APPG%20on%20PDRH%20-%20A%20Childhood%20Lost.pdf>

The APPG concluded that British girls were being taken out of the country to be forcibly married, and being married here in the UK in “community” or religious ceremonies that go unregistered. The report also outlined serious gaps in British legislation, gaps that were failing to protect children from forced and early marriage.

This report led to the criminalised of forced marriage in 2014, via a new clause in the Anti-social Behaviour Crime and Policing Bill. Any UK resident or national who forces a child into marriage can now be prosecuted, regardless of whether the marriage was conducted in the UK or overseas, provided the child is also a UK national.

### **Forced Child Marriages**

In February this year, an investigation by the Sunday Times found that despite the introduction of forced marriage legislation, dozens of young girls and boys are still being married against their will or understanding, with the marriages taking place in mosques and living rooms in the UK as well as abroad.<sup>6</sup> The newspaper relayed a litany of cases involving victims as young as six.

It is clear that there are still some in some communities in Britain who believe they are ‘above the law’ when it comes to forced and child marriages.

Perhaps they really are. The Sunday Times’ investigation also reported claims that the authorities are turning a blind eye when children are missing from school, or fail to report their fears, because they see child marriage as a cultural or religious issue and not what it actually is: illegal and an act of child abuse.

“They are afraid of being called racist,” said Jasvinder Sanghera, the founder of support group Karma Nirvana, who herself underwent a forced marriage. “It draws parallels with Rotherham [the sex abuse scandal in which young girls were exploited by gangs of Asian men]. It is exactly the same, in that professionals are not doing their job properly. Social workers, police, teachers and local authorities are turning a blind eye for fear of upsetting communities.”

Karma Nirvana has seen 1,070 cases of children either at risk of marriage or forced into one since 2013. They include six girls who had become pregnant as a result. The charity handles 750 calls a month to its telephone helpline.

A report published in December 2015 by HM Inspectorate of Constabulary bore out Karma Nirvana’s claims. It found only three police forces out of 43 were fully prepared to deal with forced marriage. Three were completely unprepared.

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<sup>6</sup> [http://www.thesundaytimes.co.uk/sto/news/uk\\_news/article1670226.ece](http://www.thesundaytimes.co.uk/sto/news/uk_news/article1670226.ece)

Despite forced marriage legislation, and 49 prosecutions, there has only been one conviction. None of these cases involved a child. Given the reported scale of the problem, there must be question marks about whether law enforcement agencies need to be much tougher in pursuing convictions, and whether they are unwittingly failing to protect children by allowing cultural relativism to cloud their thinking.

### **Child Marriage and Immigration**

In one quarter of the forced marriage cases uncovered by the Sunday Times' investigation, both parties were from the UK. The rest involved at least one party from overseas. Some victims reported how they were married off in exchange for the promise of a UK visa, to be obtained in the long, if not the short term.

Under UK family immigration rules, both the applicant for a spouse visa and their sponsor must be aged eighteen and over.

This might seem straightforward, however this rule does not prevent a man (or woman) marrying a much younger child and then seeking residence in Britain once that child reaches the age of eighteen.

The current refugee crisis is complicating the situation too. Authorities across Europe are facing the new problem of how to process asylum applications from child refugees and their spouses.

### **Child Brides and the Syrian Refugee Crisis**

Although child marriage existed in Syria long before the current conflict, UN reports say it has 'more than doubled' since the onset of the war in 2011, which has displaced millions of people from their homes.<sup>7</sup> Other organisations, such as CARE International, say they believe the number of girls forced into marriage amongst Syrian refugees has 'tripled' since the conflict began.

According to UNICEF, as many as one-third of registered marriages among Syrian refugees in Jordan between January and March 2014 involved girls under 18, with some as young as 11.

In wartime conditions, it is difficult to assess how many of these cases started as deliberately abusive attempts to coerce young girls into marriage. CARE International says threats of sexual violence in refugee camps prompt some families to sell their daughters in marriage, in case they are raped and no longer considered "honourable".<sup>8</sup> *Girls not Brides*, which campaigns worldwide to end child marriage, agrees, saying marriages are in many cases arranged by well-meaning parents who believe their daughters would be safer in asylum centres if

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<sup>7</sup> <https://www.rt.com/news/331035-norway-refugees-underage-marriages/>

<sup>8</sup> <http://www.abc.net.au/news/2015-10-14/child-brides-number-in-syria-triples-since-conflict/6851248>

they are married, as this will prevent other men approaching them sexually.<sup>9</sup>

Daughters may also be sold off by parents who can no longer afford to keep them, or given in marriage to men already planning to leave Syria in the hope that, once the couple arrives in the West, the girls' parents can then legally join them.

The immigration implications of these complex sets of circumstances, fuelled by cultural traditions and behaviours very different to our own, are far-reaching. European countries are addressing the problem in very different ways.

## **The Netherlands**

An average of three child brides arrive each week in The Netherlands.

In October 2015, one of them, 14-year old Fatema Alkasem, vanished from a refugee centre in The Netherlands. She was nine months pregnant. Her 24-year old husband also went missing.

Fatema's disappearance led to the emergency ratification of a long-delayed bill to automatically dissolve the marriage of a child, even if the marriage had been performed legally in the country where the wedding took place. Any person who continued to live with their child 'spouse,' in contravention of this new law, could be prosecuted for rape and deported. This was a significant change to Dutch law, and the hardest line taken by any other EU country to date on this particular child protection issue.

Holland rejects the argument suggesting European nations should recognise child marriages to prevent brides becoming the targets of 'honour' violence at the hands of their estranged husbands or even their own parents.<sup>10</sup> This approach, which by implication puts certain cultures above the law, is not tolerated. Instead Dutch officials take the threat of honor killings seriously. Aatje Kuiken, a member of the Dutch *Partij van de Arbeid* (PvdA), was instrumental in changing the minority marriage laws. Special teams have also been set up to focus on the issue, and to give girls extra protection where needed.

The Netherlands also insists Family Reunification Orders can only be issued if applicants are in a legal and unforced marriage, whatever their age.<sup>11</sup>

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<sup>9</sup> <http://www.girlsnotbrides.org/child-marriage/syrian-arab-republic/>

<sup>10</sup> While no one religious affiliation is associated with child marriage, and a variety of religions are associated with child marriage globally, in Islamic culture, a young woman who has been married is no longer regarded as 'pure,' especially not if she has given birth. Her family may therefore seek to reclaim the family 'honour' by taking her life.

<sup>11</sup> <https://ind.nl/EN/Documents/3085.pdf> (Section 3)

## Norway

As the age of consent in Norway is 16, when a 14-year-old girl arrived in Norway from Russia with her 18-month-old child and 23 year old husband in December 2015, the girl was initially considered to be a victim of sexual abuse and possibly forced marriage. However, as the offenses occurred outside Norway, Norwegian police decided not to file any charges, and the 'couple' continued to live together in an asylum centre in the south of the country.

The feminist activist Unni Wikan supported this decision, arguing that Norway "might have to accept that underage refugees are married and have children." Prosecutions might mean child refugees "suffer further," she claimed.<sup>12</sup>

However, the outcry that resulted when the case became public prompted police to reconsider the case. They are believed to still be doing so.

The Norwegian authorities now say: "Each case must be assessed individually to determine whether the married couples should live separately."

Norway is also trying to address the problem of the sexual abuse of women of all ages by providing classes for migrant men about how they should treat women. Being voluntary though, those men who most need such classes are probably the least likely to take them up.

## Denmark

The age of consent in Denmark is just 15, although it is also an offence to "induce" a person under 18 to sexual acts "by gravely abusing superior age or experience."

In February this year, an overview of the Danish asylum system revealed 27 underage girls were married, among them two 14-year-olds, one of whom was pregnant by her 24-year old husband.<sup>13</sup> The conservative party spokesman Naser Khadir said: "It's called pedophilia when a man gets a 14-year-old pregnant. We can give asylum to the 14-year-old, but we should kick the grown man out." Others disagreed, among them the prominent Danish imam Oussama El Saadi of Aarhus, who claimed child marriages are "part of the culture" of the refugees, and so should be looked at "differently."<sup>14</sup>

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<sup>12</sup> <http://www.newsinenglish.no/2015/12/04/child-brides-pose-new-challenge-in-ongoing-refugee-crisis/>

<sup>13</sup> <http://www.thelocal.dk/20160211/child-brides-in-danish-asylum-centres-to-be-separated-from-spouses>

<sup>14</sup> <http://cphpost.dk/news/danish-imam-says-government-should-accept-child-marriages-among-refugees.html>



Denmark is now separating asylum-seekers under the age of 15 from their spouses in asylum centres. Denmark registered 21,000 asylum applications in 2015 make it one of the top EU destinations for refugees per capita, after Finland, Austria, Germany, and Sweden.

## **The UK**

In December 2014, the Rt Revd Dr Alan Smith, Bishop of St Albans and a member of the House of Lords, was told by the Home Secretary that the spouse of any child who was married legally overseas could not be prosecuted under UK law, should they subsequently migrate to the UK.

The Bishop was further told by Parliamentary Under Secretary of State for Schools that while social services and the police might be involved if there were child protection issues, the law as it stands cannot prevent child brides or their spouses from entering the UK in the first place.

So, while UK law applies to children already resident in the UK, children from other countries who arrive in the UK as migrants do not have access to the same legal protection as those born here. Their weddings would only be illegal and their spouses prosecuted if it could be shown they were coerced into marriage.

UKIP in parliament asked the minister responsible what the government's policy is on a) granting residency to and b) possible prosecution of people who arrive in the UK as either refugees or asylum seekers who are married to a child under 16 when such marriages were undertaken legally outside the UK and were not performed under duress?

The answer was that a child under 16 who could establish a protection need would be assisted irrespective of their marriage. However, any person under the age of eighteen who seeks asylum as the spouse or civil partner of another asylum seeker "will not be allowed to do so and must apply for asylum in their own right as a minor." Further, "any minor seeking asylum or any refugee granted leave on that basis who is known to be in a relationship akin to marriage will be referred to the local authority social services at the earliest opportunity, irrespective of the legality of the marriage or whether the marriage is believed to have taken place under duress."

The answer did not address the issue of prosecution on the basis that this could be considered to be statutory rape. A similar response was received to other parliamentary questions: it is forced marriage that is being addressed, not legal marriages overseas.

## **Conclusions and Recommendations**

Current marriage legislation in the UK does not appear to adequately address the problem of child brides/husbands arriving in the UK having been married legally overseas. If, however, a child is put into the care of social services, it is difficult to conceive of a situation when the local authority would deem it acceptable for a child to continue living as husband and wife with an adult, but this should be clarified.

**We suggest parliament should debate the issue of child marriage, specifically within the context of the current migrant crisis, with a view to offering guidance to Government as to the best way to respond to the problem of child marriages when they have been conducted legally overseas.**

Meanwhile, legislation to prevent forced marriages is all very well and good, but if suspected cases are not being reported by those in positions of responsibility because they fear a 'cultural backlash, then it is left to the child victims to report abuses themselves. This implies a child protection failure, and of course for children to report abuses themselves may be both practically difficult and deeply traumatic for them. The lack of convictions, given what we know about the extent of the problem, suggests the law is not being applied as effectively as it was intended to be, and that criminals who would abuse children in this way are going undetected and unpunished.

As a UN member, the UK needs to be clear that it agrees child marriage is a human rights' violation, and that all women and girls should have the right to have control over and decide freely and responsibly matters related to their sexuality, without equivocation, and without exception.

### **We recommend the Government:**

- Uphold the integrity of British law and ensure it applies to each individual equally, irrespective of their race, faith or ethnic origin
- Prevent child brides and their spouses who are not refugees seeking asylum from entering the UK for any reason
- Automatically dissolve the marriages of child asylum seekers, even if performed legally in another country, as a condition of asylum being granted by either party
- Refuse permanent leave to remain and/or British citizenship to any adult known to have procured a child marriage for themselves or their children

- Deport any non-UK citizen resident in Britain who has procured, conducted or facilitated a child marriage on behalf of others here in the UK
- Amend existing criminal legislation to specifically prohibit intent to procure or carry out a child marriage, with penalties as appropriate
- Include awareness of child marriage into safeguarding training for relevant professionals
- Introduce a mandatory reporting requirement for suspected cases of forced and/or child marriage for frontline professionals such as teachers, doctors, social workers, nurses, and the police
- Urge key partner countries where child marriage is prevalent (e.g. Pakistan and India) to introduce legislation outlawing the practice, and utilise diplomatic channels to push for global change